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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,735	08/17/2000	Willem Johannes Van Den Bogert	PHNL 000358	4814

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EXAMINER

ROY, SIKHA

ART UNIT PAPER NUMBER

2879

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/640,735

Applicant(s)

VAN DEN BOGERT ET AL.

Examiner

Sikha Roy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The Amendment, filed on November 11, 2002 has been entered and is acknowledged by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,2,5,7,8 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent 6,043,603 to Weinhardt.

Regarding claim 1 Weinhardt discloses (column 4 lines 12-35, column 6 line 26 Fig.1) a low-pressure mercury vapor discharge lamp comprising a discharge vessel 10

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enclosing a discharge space with tubular end portions having a longitudinal axis A, electrodes 11a arranged in the discharge space for generating and maintaining a discharge, amalgam (mercury containing alloys) 13 provided on a carrier (flat metal plate) 12 in the proximity of the electrode with plane transverse to the longitudinal axis A-A, the amalgam, coated on a flat plate extending substantially in two mutually orthogonal directions transverse to the longitudinal axis and is disposed substantially in line with the electrode in a direction parallel with the longitudinal axis. The limitation reciting the vessel containing mercury and inert gas is considered to be inherent to a low pressure mercury vapor discharge lamp.

Referring to claims 2 and 5 Weinhardt discloses the stem (glass plate foot) 11d in the tubular end portion carries the electrode 11a and the carrier is provided on a supporting wire arranged in the stem (column 6 lines 21-24).

Regarding claim 7 it is clearly evident from Fig. 3 that the carrier 12 is arranged at a side of the electrode facing away from the discharge space.

Regarding claim 8 Weinhardt discloses the carrier supported by fastening wire in the stem (glass plate foot) or in a glass bead and hence is insulated with respect to the electrodes.

Regarding claim 12 Weinhardt discloses (column 4 lines 27,28) the carrier is essentially a flat plate with a planar structure arranged in a plane transverse to the longitudinal axis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent 6,043,603 to Weinhardt.

Regarding claim 9 Weinhardt discloses the claimed invention except for the carrier comprising a part arranged in a plane parallel to the longitudinal axis. It would have been obvious matter of design choice to have the carrier comprising a part arranged in a plane parallel to the longitudinal axis since the applicant has not disclosed that this part of the carrier solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with carrier having just the planar part transverse to the longitudinal axis.

Regarding claims 10 and 11, Weinhardt discloses the claimed invention except for the limitation of the distance d between the carrier and the electrode lying in the range from $0.5 < d < 8$ mm. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the range of the distance between the carrier and the electrode from $0.5 < d < 8$ mm, since optimization of workable ranges is considered within the skill of the art.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent 6,043,603 to Weinhardt in view of U. S. Patent 3,562,571 to Evans.

Claim 6 differs from Weinhardt in that Weinhardt does not exemplify the carrier being directly press-fitted onto the stem carrying the electrode in the tubular end portion.

Evans in analogous art of mercury vapor discharge lamp with amalgam discloses (column 2 lines 44-46) the carrier (amalgam holder) snugly fitting around the stem press. It is noted that this design provides a fail-safe holder inside the lamp interior.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the mercury carrier of the lamp of Weinhardt press fitted onto the stem as suggested by Evans for providing a fail-safe component inside the lamp interior.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent 6,043,603. to Weinhardt in view of U. S. Patent 3,688,148 to Fedorenko et al.

Regarding claim 15 Weinhardt does not disclose the supporting body formed by an exhaust tube which extends at least partially in to the discharge space.

Fedorenko et al. in analogous art of fluorescent lamp with amalgam housing disclose (Fig. 2,3a) the exhaust tube 14 secured in the stem 13 forms an extension in the discharge space and houses the amalgam 12. It is to be noted that this design eliminates the step of fastening the carrier with a wire into the stem and hence provides simplified manufacturing.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the supporting body (wire) holding the carrier of the amalgam of

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the lamp of Weinhardt by the exhaust tube as taught by Fedorenko et al. for providing easier manufacturing.

Allowable Subject Matter

Claims 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The Prior art of record neither shows nor suggests a low pressure mercury vapor discharge lamp having all the limitations as claimed in claim 16, particularly having the carrier of amalgam press-fitted onto the end portion of the exhaust tube situated in the discharge space.

Claims 17 and 18 would be allowable for the reason given for claim 16 because of their dependency status from claim 16.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (703) 308-2826. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone number for the organization is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

S.R.

Sikha Roy
Patent Examiner
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